



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 22, 1996

Ms. Y. Qiyamah Taylor
Assistant City Attorney
City of Houston
P.O. Box 1562
Houston, Texas 77251-1562

OR96-1234

Dear Ms. Taylor:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 40421.

The City of Houston (the "city") received a request for written, oral, or taped entries and communications concerning a traffic stop and arrest. You contend that this information is excepted from disclosure under section 552.108 of the Government Code.

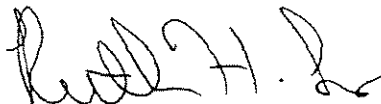
Section 552.108 excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime" and "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution." Gov't Code § 552.108; *see Holmes v. Morales*, 39 Tex. Sup. Ct. J. 781, 1996 WL 325601 (June 14, 1996). We note, however, that information normally found on the front page of an offense report is generally considered public. *See generally Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976).

You must release the type of information that is considered to be front page offense report information, even if this information is not actually located on the front page of the report. The *type* of information must be examined rather than whether it is actually located on the front page. *See* Open Records Decision No. 127 (1976) at 5. We have enclosed a summary of the type of information that is public. The other information at issue may be withheld from disclosure pursuant to section 552.108. We note that you

may choose to release all or part of the information at issue that is not otherwise confidential by law. Gov't Code § 552.007.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', with a stylized flourish at the end.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 40421

Enclosures: Submitted document
Summary of Open Records Decision No. 127 (1976)

cc: Ms. Nancy G. Revelette
Attorney at Law
P.O. Box 920970 #F-19
Houston, Texas 77292
(w/o enclosures; w/ Summary of Open Records Decision No. 127 (1976))